

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

SETH ANDREW,

Defendant.

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**Affirmation in Support of
Application for Order of Continuance**

21 Mag. 4262

State of New York)
County of New York : ss.:
Southern District of New York)

Ryan B. Finkel, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. §3161(h)(7)(A).

2. The above-captioned defendant was charged in a complaint dated April 20, 2021, with violations of Title 18, United States Code Sections 1014, 1343, 1956 and 2; was arrested on April 27, 2021; and presented in this District on April 27, 2021. The defendant was represented by Michael Yaeger and released on consent, subject to several conditions.

3. At the April 27, 2021, initial presentment, defense counsel consented to a waiver of his client's right, pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 30 days of the initial appearance. U.S. Magistrate Judge Gorenstein set the preliminary hearing for May 27, 2021; accordingly, under the Speedy Trial Act, the Government had until May 27, 2021, to file an indictment or information.


4. On or about May 11, 2021, Edward Young Kyu Kim, Esq., entered a notice of appearance for Seth Andrew. On or about May 27, 2021, Magistrate Judge Barbara C. Moses excluded time until June 27, 2021, on the consent of the parties. On or about June 28, 2021, Magistrate Judge Debra C. Freeman excluded time until July 28, 2021, on the consent of the parties. On or about July 27, 2021, Magistrate Judge Sarah Netburn excluded time until August 26, 2021, on consent of the parties. On or about August 26, 2021, Magistrate Judge Kevin Fox excluded time until September 27, 2021, on consent of the parties. On or about September 27, 2021, Magistrate Judge Gabriel W. Gorenstein excluded time until October 27, 2021, on consent of the parties. On or about October 29, 2021, Magistrate Judge Barbara Moses excluded time until November 27, 2021, on consent of the parties. Accordingly, under the Speedy Trial Act, the Government has until November 27, 2021, to file an indictment or information.

5. Defense counsel and the Government are discussing a potential disposition to this case and other matters. Therefore, the Government is requesting a 30-day continuance until December 27, 2021, to continue the foregoing discussions. The undersigned personally emailed with defense counsel who specifically consented to this request.

5. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

November 22, 2021

Dated: New York, New York



Ryan B. Finkel
Assistant United States Attorney
212-637-6612

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Upon the application of the United States of America and the affirmation of Ryan B. Finkel, Assistant United States Attorney for the Southern District of New York, it is found that the defendant was charged with violations of Title 18, United States Code Sections 1014, 1343, 1956, and 2 in a complaint dated April 20, 2021, and was arrested on April 27, 2021;

It is further found that the defendant was presented in this District on April 27, 2021, and ordered released, on consent, subject to several conditions;

It is further found that Edward Young Kyu Kim, Esq., counsel for defendant, and Assistant United States Attorney Ryan B. Finkel have been engaged in, and are continuing, discussions concerning a possible disposition of this case and other matters;

It is further found that the Government has requested a continuance of 30 days to engage in further discussions with counsel and that the defendant, through counsel, has consented that such a continuance may be granted for that purpose and has specifically waived his right to be charged in an indictment or information for an additional 30 days;

It is further found that the granting of such a continuance best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial; and therefore it is

ORDERED that the request for a continuance pursuant to 18 U.S.C. §3161(h)(7)(A) is hereby granted until December 27, 2021.

Dated: New York, New York
November 29, 2021


UNITED STATES MAGISTRATE JUDGE